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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,081	06/15/2001	Karel-Jan Van Der Toorn	NL 000327	9487
24738	7590	08/11/2004	EXAMINER	
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION INTELLECTUAL PROPERTY & STANDARDS 1109 MCKAY DRIVE, M/S-41SJ SAN JOSE, CA 95131			WILSON, LEE D	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,081

Applicant(s)

VAN DER TOORN, KAREL-JAN

Examiner

LEE D WILSON

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The device is not further limited by the limitations to the workpiece. The workpiece is not part of the apparatus therefore, limitations of the device cannot be claimed in terms of the workpiece structure because then the limits of device change if a different workpiece is used. This is not a combination claim claiming both the apparatus and workpiece in combination with each other.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell (6152435).

a. Snell discloses a holder having a base plate (20), a guide member (24) with two guides (60&62) with two tapering sides and three guides (fig.3B).

b. Snell does not disclose a holder which holds a cassette for semiconductor material.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use of the holder is being used for. (Note: a holder is often named on the basis of its intended use but that may not be the only use for the workholder.)

1. Claims 1-2, 4, and 7-9 under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920).

d. Engibarov discloses a holder having a base plate (10), a guide member (18) with three guides with two tapering sides (see fig.7 which element 29 has two tapering sides or fig.9 with elements 66&68, all of these read) and the guide is secured (col.3, lines 24-27) to a slot (20) by nut (19) and bolt (25).

e. Engibarov does not disclose a holder which holds a cassette for semiconductor material.

f. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use of the holder is being used for. (Note: a holder is often named on the basis of its intended use but that may not be the only use for the workholder.)

g. In regard to claim 6, Engibarov discloses the claimed invention except for aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made nuts and bolt out of aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 41.

In regard to claim 8, Engibarov discloses the claimed invention except for a material having a low coefficient of friction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made a guide member out of a material with a low coefficient of friction, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of McConkey (5074536).

1. Engibarov is discussed above.
2. Engibarov does not disclose guide members with a trapezodial shape.
3. McConkey discloses a holder having guide members with a trapezodial shape (15&18) which is an alternative shape used to hold a workpiece.

4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a

trapezoidal shape as taught by McConkey which used as an alternative shape used to hold a workpiece.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of Gaither (3626600).

- h. Engibarov is discussed above.
- i. Engibarov does not disclose guide members with a trapezodial shape.
- j. Gaither discloses a holder having a guide member (19) and a base (18) that is graduated which allows the movements of the guide member to be measured.
- k. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a base that is graduated as taught by Gaither which allows the movements of the guide member to be measured.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of Takisawa et al (6383890).

- l. Engibarov is discussed above.
- m. Engibarov does not disclose a detection means.
- n. Takisawa et al disclose a holder having a detection means which allows the position of the workpiece to be determined.

o. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a position sensor as taught by Takisawa et al which allows the position of the workpiece to be determined.

Response to Arguments

5. Applicant's arguments filed 7/2/04 have been fully considered but they are not persuasive.

6. Applicant amended the claims.

p. The applicant has tried to claim the device in combination with the workpiece which makes the claim indefinite please see above.

Applicant should focus on the jaw structure shown in figure 1 there may be possible allowable subject matter.

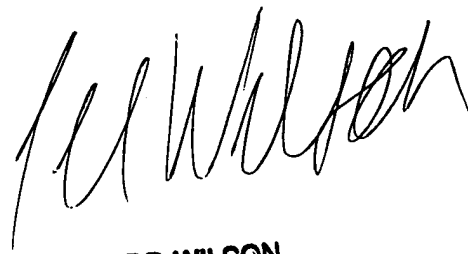
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D WILSON whose telephone number is 703-305-4094. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

August 6, 2004



LEE D. WILSON
PRIMARY EXAMINER